

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT VAMVAS

Plaintiff,

VS.

ALEXANDER WILLIAMS & ASSOCIATES LLC,

Defendant,

Civil Action No.

PLAINTIFF'S FIRST AMENDED COMPLAINT

ROBERT VAMVAS (“Plaintiff”), through the undersigned counsel, Dave Lilley, and files this, his First Amended Complaint, against ALEXANDER WILLIAMS & ASSOCIATES LLC (“Defendant”), erroneously identified as WILLIAMS, ALEXANDER & ASSOCIATES, INC. in Plaintiff’s original filing. Plaintiff hereby amends the style of the case and all enumerated paragraphs as follows:

INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Robert Vamvas, an individual consumer, against Defendant, Alexander Williams & Associates, LLC., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

PARTIES

3. Plaintiff, Robert Vamvas, is a natural person with a permanent residence in Houston, Harris County, Texas 77084.

4. Upon information and belief the Defendant, Alexander Williams & Associates, LLC is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business in this District located at 178 Stafford Ave, Staten Island, New York, 10314. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Upon information and belief, Defendant began placing collection calls to Plaintiff in or before June of 2011.

7. The debt Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, did contact a third party, David Lutz, who is not a co-signer on the alleged debt and did tell him that there was an “active investigation going on” with regards to a debt of the Plaintiff.

CLAIM FOR RELIEF

9. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

10. Defendants violated the FDCPA. Defendants’ violations include, but are not limited to, the following:

- (a) Defendant violated §1692b(2) of the FDCPA by telling a third party that Plaintiff owes an alleged debt; and
- (b) Defendant violated §1692c(b) of the FDCPA by contacting a third party in connection with the collection of the alleged debt without the consent of Plaintiff and without the contact being in a manner covered by §1692b of the FDCPA; and
- (c) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
- (d) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

11. Defendant’s acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

12. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Robert Vamvas, for declaratory judgment that Defendant’s conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff ROBERT VAMVAS, respectfully requests that judgment be entered against Defendant, ALEXANDER WILLIAMS & ASSOCIATES, LLC for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
- F. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ROBERT VAMVAS, demands trial by jury in this action.

This 26th day of July, 2011.

ALEX SIMANOVSKY & ASSOCIATES, LLC

/s/ Dave Lilley

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